



State Water Resources Control Board



Winston H. Hickox
*Secretary for
Environmental
Protection*

Division of Water Rights
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Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

**NOTICE OF APPLICATION
REQUESTING TEMPORARY PERMIT
TO DIVERT UP TO 750 ACRE-FEET OF WATER
FROM THE CARMEL RIVER
TO THE SEASIDE GROUND WATER BASIN FOR A
CONJUNCTIVE USE PILOT INJECTION AND STORAGE PROJECT
UNDER APPLICATION 31359T**

Notice is hereby given that on September 7, 2002

Monterey Peninsula Water Management District
c/o Ernesto Avila
P.O. Box 85
Monterey, CA 93942-0085

filed with the State Water Resources Control Board (SWRCB), Application 31359T for a Temporary Permit under Water Code section 1425, et seq. Monterey Peninsula Water Management District (MPWMD) proposes to divert up to 750 acre feet (af) of water from the Carmel River for a conjunctive use pilot injection and storage project (Project). MPWMD's application proposes to divert water from the Carmel River between December 1, 2002 and May 31, 2003, to continue evaluating the feasibility of injecting, storing, and later extracting diverted water from underground storage in the Seaside Groundwater Basin (Seaside Basin).

DESCRIPTION OF THE PROJECT:

The Seaside Basin underlies the City of Seaside and a portion of the former Fort Ord Military Reservation, encompassing an area of approximately 24 square miles. The historic depletion of the Seaside groundwater basin (since the 1950's) is approximately 7,000 af. The groundwater level of the basin has dropped from about 40 feet above mean sea level (MSL) to approximately 10 feet above MSL. MPWMD believes a conjunctive use program diverting excess water from the Carmel River to groundwater storage in the Seaside Basin should provide increased yield from the Seaside Basin.

The proposed Project would divert up to 4.5 cubic feet per second (not to exceed a total of 750 af of water) between December 1, 2002 and May 31, 2003. MPWMD proposes to divert Carmel River flow in accordance with the fish bypass conditions defined in SWRCB Decision 1632.

The Project is a continuation of a pilot feasibility study conducted by MPWMD over the past four years. These previous pilot projects were performed as Temporary Permits during May, 1998 (Application 30676T), between January and May, 1999 (Application 30769T), between January and May, 2000 (Application 30951T), between January and May, 2001 (Application 31100T) and between December and May, 2002 (Application 31230T).

The Project will utilize existing diversion, treatment, and transmission facilities owned and operated by California-American Water Company (Cal-Am) to divert and transport water to the Seaside Basin. For this application, MPWMD has identified 20 points of diversion/rediversion including the San Clemente Dam and 19 Cal-Am groundwater wells (located within the Carmel Valley) where water may be diverted from the Carmel River. Note: Based on SWRCB Order 95-10, the aforementioned 19 Cal-Am groundwater wells draw water from the subterranean stream associated with the Carmel River.

The diverted water will be transported through the existing Canada de la Segunda pipeline to the injection well sites located in the Seaside Basin within section 23, T15S, R1E, MDB&M. The well sites are located as follows:

1. Seaside Basin Pilot Injection Well - located approximately 100 feet south and 1,200 feet west of the NE corner, being within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section. The Seaside Basin Pilot Injection Well is the original injection well which has been used for the aforementioned previous pilot injection feasibility studies.
2. Santa Margarita Test Well - located approximately 200 feet south and 500 feet west of the NE corner, being within the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section. The Santa Margarita Test Well was constructed in April 2001 and may be used for the feasibility study provided preliminary testing is complete.
3. Ord Grove #1 Well - located approximately 900 feet south and 2,200 feet west of the NE corner, being within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section. The Ord Grove #1 Well was an inactive Cal-Am production well which penetrates the same groundwater aquifer zone as the Santa Margarita Test Well. The Well has been reactivated and used for the studies.

Pilot scale injection testing will be performed to determine the rate of injection, fate of injected water, and possible chemical interaction between the injected water and the native groundwater. Some of the injected water may be pumped and used for municipal purposes within the service boundary of MPWMD. The diverted water will be beneficially used by MPWMD to further the state policy of encouraging conjunctive use of surface water and groundwater supplies. MPWMD will manage the water diverted and stored in the Seaside Basin using flow meters and monitoring wells.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Under provisions of the California Environmental Quality Act, MPWMD is the Lead Agency for the Project. MPWMD has prepared and filed a Notice of Exemption and the City of Seaside has prepared a mitigated Negative Declaration for the Project and filed a Notice of Determination. The SWRCB, as a Responsible Agency, will consider both of these documents during the environmental review of this application. If you have any information which indicates that the proposed project will have a significant effect upon the environment please send this information to MPWMD. Copies of this information should also be sent to Mr. Rick Medina, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955-0810 and to Mr. Steven Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code section 1425, et seq., the SWRCB may issue a conditional, temporary permit if the following findings regarding that permit can be made:

1. The applicant has an urgent need for the water proposed to be diverted and used;
2. The water may be diverted and used without injury to any other lawful user of water;
3. The water may be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed diversion and use are in the public interest, including findings to support permit conditions imposed to assure that water is diverted and used in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1425, et seq., then the SWRCB may cancel the application or schedule and notice a hearing regarding the proposed temporary permit.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary permit. Any person may file comments, objections and/or recommendations concerning the application. The materials must address the issues that the SWRCB must evaluate, as set forth above. Although the applicant has the initial burden of establishing an urgent need for the water proposed to be diverted and used, and that the application for temporary permit is in the public interest and will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses; the objector must file, or be prepared to file, sufficient evidence to prove that the proposed temporary permit would not comply with Water Code 1425.

Materials filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on November 6, 2002**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the applicant**, at the address listed below. Interested parties are encouraged to file comments, etc., by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Monterey Peninsula Water
Management District
c/o Ernesto Avila
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Monterey, CA 93942-0085

Division of Water Rights
c/o Brian Coats
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Sacramento, CA 95812-2000

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FAX: (831) 644-9560

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Please address questions about this notice to Brian Coats at (916) 341-5311. If you have any questions regarding Project details you may contact Ernesto Avila of MPWMD at (831) 658-5650.

Original Signed by David R. Beringer for

Harry M. Schuller
Chief Deputy Director

Dated: October 10, 2002